



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

COPY MAILED

FEB 10 2006

OFFICE OF PETITIONS

In re Patent No. 6,961,584	:	
Issued: November 1, 2005	:	LETTER REGARDING PTA AND
Application No. 09/813,165	:	NOTIFICATION OF INTENT TO ISSUE
Filed: March 21, 2001	:	CERTIFICATE OF CORRECTION
Atty. Dkt. No.: 2972-106	:	

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed November 17, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application issued as U.S. Pat. No. 6,961,584 on November 1, 2005. The patent issued with a patent term adjustment (PTA) of 758 days. Patentees, however, indicate that there may be an error in the total amount of days determined and indicate that the application is believed to be entitled to an overall adjustment of 545 days as there were 820 days of Office delay and 275 days of applicant failure to engage in reasonable efforts to conclude prosecution.

A review of the application history reveals that at the time of issuance, the patent was entitled to an overall adjustment of 545 days.

In accordance with 37 CFR 1.702(a)(1), an adjustment of 678 days can be attributed to the Office for failure to mail at least one notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. The adjustment began May 22, 2002, the date that is 14 months after the date that the application was filed, and ended March 29, 2004, the date that the non-final Office action was mailed. See 37 CFR 1.703(a)(1).

In accordance with 37 CFR 1.702(a)(2), an adjustment of 110 days can be attributed to the Office for failure to respond to the response after non-final Office action filed August 30, 2004. The adjustment began December 31, 2004, the day after the date that is four months after the response after non-final Office action was filed, and ended April 19, 2005, the date the Notice of Allowance was mailed.

In accordance with 37 CFR 1.702(a)(4), a further adjustment of 32 days can be attributed to the Office for failure to issue the patent within four months of receipt of the issue fee payment. The adjustment began October 1, 2005, the day after the date that is four months after the date that the issue fee payment was received, and ended November 1, 2005, the date the patent issued. See 37 CFR 1.703(a)(6).

The adjustment is properly reduced a total of 275 days, as indicated by patentee. In accordance with 37 CFR 1.704(b), the adjustment of 820 days is reduced 62 days for failure to respond within three months of the date that the non-final Office action within. The reduction began June 23, 2004, the day after the date that is three months after the date that the non-final Office action was mailed, and ended August 30, 2004, the date a response to the non-final Office action was filed.

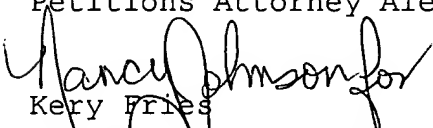
The adjustment of 820 days is further reduced 213 days in accordance with 37 CFR 1.704(c)(8) in connection with the IDS filed March 31, 2005. The reduction began August 31, 2004, the day after the date that the initial response was filed, and ended March 31, 2005, the date the IDS was filed.

In view thereof, at the time of allowance, the application was entitled to an adjustment of 545 days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

This application will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 545 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction